

REMARKS

Claims 2-14, 17, 19, 20, 22-25, 29, 33-46, 48-50 and 53 are pending. Claim 53 has been allowed. Claims 1, 15, 16, 18, 21, 26-28, 30-32, 47, 51, 52 and 54 have been cancelled. Applicants respectfully request entry of this amendment because the claims are in condition for allowance. Reconsideration is respectfully requested.

Claims 1-6, 8-15, 23-24, and 54 were rejected under 35 U.S.C. §102(b) as anticipated by Merlette et al. U.S. Patent No.6,398,818 B1. All of the rejected claims have either been cancelled or amended to depend from independent claim 25, which was not rejected by the Examiner on this basis. Accordingly, this rejection has been rendered moot.

Claims 1-4, 10, 11, 14, 25, 34, 39, 42-44, 47, and 48 were rejected as being anticipated by Allard et al. U. S. Patent 5,509,937. Claims 23 and 24 were rejected under 35 U.S.C. §103(a) as unpatentable over the Allard. Claim 1 and all claims depending therefrom have either been cancelled or amended to depend from claim 25. Claim 25 has been amended to recite that the forefoot and heel portions of the lower foot plate are aligned along a longitudinal axis. The Examiner identified the lower foot plate 27b as having a forefoot (anterior) portion and a heel (posterior) portion. However, these portions are not aligned along a longitudinal axis as recited by claim 25.

Claim 25 was further amended to recite that the sloped upper surface of the upper foot plate slopes downwardly from the heel portion to the forefoot portion of the lower footplate, and that the attachment device is attached to the downwardly sloped surface. As acknowledged by the Examiner, the mounting device disclosed in Allard is attached to a portion of the upper surface of the upper foot plate that is either horizontal or that actually slopes slightly upwardly. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 1-4, 10, 11, 14, 15, 23, and 54 were rejected as being anticipated by Merlette U.S. Patent 5,156,631 ("the '631 patent"). All of the rejected claims have either been cancelled or amended to depend from independent claim 25, which was not rejected by the Examiner on this basis. Accordingly, this rejection has been rendered moot.

Claims 25-32, 34, 38-41, and 47 were rejected as being anticipated by U.S. Patent 6,290,730 to Pitkin et al. Claim 25, upon which the remaining rejected claims depend, has been amended to recite that the upper foot plate slopes downwardly from the heel portion of the lower foot plate toward the toe portion of the lower foot plate. Claim 25 has also been amended to recite that the lower foot plate is coupled to the upper foot plate such that a space is defined therebetween. The upper foot plate identified by the Examiner with respect to Wilson does not slope downwardly from the heel portion toward the toe portion of the lower foot plate. Moreover, no space is defined between the upper and lower footplate at the heel portion as recited in claim 25 because the upper and lower foot plates are directly adjacent to one another. Applicants respectfully request withdrawal of this rejection.

Claims 25-28, 33-36, 38-40, and 47 were rejected as being anticipated by Wilson et al. U.S. Patent 5,116,384. Claim 25 has been amended to recite that a mounting protrusion is oriented vertically when the prosthesis is in a mid-stance position. As shown in Fig. 6B of Wilson, in the mid-stance position the mounting protrusion is configured such that it is not vertical. Applicants respectfully request withdrawal of this rejection.

Claims 25-27, 29-31, 34-42, 45, 47, and 51-52 were rejected as being anticipated by Phillips U.S. Patent 5,181,932. Claim 25 has been amended to recite that a mounting protrusion is oriented vertically when the prosthesis is in a mid-stance position. The device disclosed in Phillips '932 does not include a vertically oriented mounting protrusion. Applicants respectfully request withdrawal of this rejection.

Claims 1, 3, 4, 7, 10, 11, 14, 15, 23-28, 33-35, 38-40, and 42-47 were rejected as being anticipated by Phillips U.S. Patent 5,800,569. Claim 25 recites that the upper foot plate slopes downwardly toward a forefoot portion of the lower foot plate when the prosthesis is in a mid-stance position. As shown in Fig. 3b the upper foot plate disclosed in Phillips '569 actually slopes upwardly in the mid-stance position. Applicants respectfully request withdrawal of this rejection.

In conclusion, all of the claims remaining in this application should now be seen to be in condition for allowance. A prompt notice to that effect is respectfully solicited. If there

are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

Respectfully submitted,

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